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Tesla Workers Say Elon Musk is a Union Buster. The NLRB Just Gave Their Case a Boost.

BY MICHAEL ARRIA

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Tesla CEO Elon Musk speaks during an event to launch the new Tesla Model X Crossover SUV on September 29, 2015 in Fremont,

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California. (Photo by Justin Sullivan/Getty Images)

Tesla factory workers have been trying for months to win restitution for the company's alleged union-busting and harassment. Now, a National Labor Relations Board (NLRB) complaint against the company appears to be making strides.

Last August, the NLRB filed a complaint against Tesla after finding merit in a number of accusations from employees at its Fremont, California factory. Some Tesla factory workers say the company engaged in various forms of union-busting, through harassment and surveillance. They also claim that Tesla required them to sign a confidentiality agreement which prohibited them from discussing the details of their working conditions.

On March 30, the NLRB amended the complaint to add new allegations from workers which the board found to have merit. In the new claims, Tesla workers say the company investigated them after they posted information on a pro-union Facebook page.

The case has now been scheduled to go before an NLRB administrative law judge in June. After hearing the case, the judge will issue a decision and recommended order. The fact

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that the complaints were deemed to have merit, and that workers will have their concerns heard, constitute significant developments in the case.

The amended NLRB complaint comes as Tesla, and its CEO Elon Musk, are being criticized for failing to live up to their production goals.

After Tesla shares dropped last month, its engineering chief Doug Field sent an email to staff attacking people who doubted Musk's vision. "I find that personally insulting, and you should too," Field wrote in a March 23 email. "Let's make them regret ever betting against us. You will prove a bunch of haters wrong."

In an internal memo from March 21, the company also announced that a small number of "volunteers" would be brought in to help assist with Tesla's Model 3 line.

After *Bloomberg* reported this fact on March 29, Tesla informed the outlet that volunteer shifts would only take place on one day, while production of the company's Model X and S cars was stopped. Employees who regularly work on those models could either volunteer to work on the Model 3, take paid time off, or take unpaid time off that day. "The world is watching us very closely, to understand one

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thing: How many Model 3's can Tesla build in a week?" Field wrote in his email to staff. "This is a critical moment in Tesla's history, and there are a number of reasons it's so important. You should pick the one that hits you in the gut and makes you want to win."

The working conditions of Tesla employees, and their organizing efforts, were brought to the public's attention last February when Jose Moran, a production worker at Tesla's plant in Fremont, published a *Medium* post criticizing the company's hourly wages and high number of preventable work injuries. "Tesla isn't a startup anymore. It's here to stay," wrote Moran. "Workers are ready to help make the company more successful and a better place to work. Just as CEO Elon Musk is a respected champion for green energy and innovation, I hope he can also become a champion for his employees." In his piece, Moran mentions that Tesla workers had reached out to the United Auto Workers (UAW) for assistance with their unionizing efforts.

Workers at the Tesla factory say they were reprimanded by management for printing copies of Moran's post and attempting to pass them out, along with information about the

UAW. Three workers cited this action in the charges that became part of the August complaint from the NLRB. Workers also claim they were harassed for wearing UAW shirts. The updated complaint claims that two workers were investigated and interrogated by Tesla after they posted company information in a private Facebook group called "Fremont Tesla Employees for UAW Representation." [Last October](#), one of the employees was fired and the other was given a disciplinary warning. Tesla said it fired the employee after he admitted to lying about the incident during their internal investigation.

That same month, Tesla [fired](#) 700 of its employees without notice or warning, about 2 percent of its entire workforce. The UAW promptly filed a [federal complaint](#) against the company, claiming that some of the employees were fired because they were part of the unionization efforts. On a quarterly earnings call last November, Elon Musk [defended](#) the firings and called criticisms of them "ridiculous." He pointed to Tesla's supposedly high standards for performance. "You have two boxers of equal ability, and one's much smaller, the big guy's going to crush the little guy, obviously," said Musk. "So the little guy better have a heck of a lot more skill or he's

going to get clobbered. So that is why our standards are high. They're not high because we believe in being mean to people. They're high because if they're not high, we will die."

Last November, the UAW filed another complaint against Tesla. This one concerned its Gigafactory battery plant in Nevada.

The [filing](#), which was obtained by Jalopnik via an FOIA request, charges Tesla with intimidating, surveillance, and interrogating employees who participated in union organizing. The NLRB consolidated these charges into the ongoing complaint.

Earlier this month, Tesla released the following [statement](#) regarding the amended NLRB complaint: "These allegations from the UAW are nothing new. The only thing that's changed since the UAW filed these charges is that many of the allegations have been outright dismissed or are not being pursued by the NLRB. There's no merit to any of them."

Legally, Tesla has to respond to the newest round of complaints by April 13. The case will go before an administrative judge on June 11.

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